

Judge Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROMAN SELEZNEV,
aka TRACK 2,
aka ROMAN IVANOV,
aka RUBEN SAMVELICH,
aka nCuX
aka Bulba
aka bandysli64
aka smaus,
aka Zagreb,
aka shmak.,

Defendant.

CASE NO.: CR11-0070RAJ

**DECLARATION OF ROBERT W. RAY,
ESQ. IN SUPPORT OF DEFENDANT'S
RESPONSE TO THE GOVERNMENT'S
MOTION (DKT. 39) FOR INQUIRY
REGARDING POTENTIAL CONFLICT
OF INTEREST ON BEHALF OF
DEFENDANT ROMAN SELEZNEV**

I, Robert W. Ray Esq., being an attorney admitted to practice law in New York and admitted *Pro Hac Vice* in this District, and subject to the penalties for perjury, do hereby declare the following to be true and correct to the best of my knowledge:

1. I am a partner in the New York, New York office of Fox Rothschild LLP, and our office represents the above-captioned defendant, Mr. Seleznev, regarding this criminal matter.

This declaration is made upon information and belief, the source therein being the declarant's

1 review of our confidential office file, consultation with the Assistant United States Attorney, my
2 client and a review of the pertinent pleadings and filings in this action.

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4 2. On or about August 5, 2014, I was notified by Assistant United States Attorney
5 Norman M. Barbosa about a perceived conflict of interest involving a Fox Rothschild attorney's
6 earlier representation of a restaurant chain known as "Z-Pizza," a purported victim in this case.
7 Z-Pizza was not named in either this indictment or the indictment returned against Mr. Seleznev
8 in the District of Nevada.

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10 3. Upon receiving this information, I reviewed Fox Rothschild's master client list
11 (electronically), which contains the names of all current and former clients. Based on my review
12 of the the list, I was able to determine that in 2011, the firm briefly represented Z-Pizza in
13 connection with a matter called a "Response to Data Incident" and that in 2012, the firm
14 responded to a routine auditors' inquiry for the year ending December 31, 2011.

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16 4. I informed Mr. Barbosa that the matter, briefly handled by Amy C. Purcell, Esq., a
17 partner in my firm, was now closed. I further advised Mr. Barbosa that I would immediately
18 screen myself and the other attorneys on Mr. Seleznev's defense team from all Fox Rothschild
19 LLP attorneys who worked on the Z-Pizza matter.

20
21 5. That same day, an ethical screen was erected by Thomas D. Paradise, Esq., Fox
22 Rothschild's General Counsel. All paralegals and attorneys, myself included, working on Mr.
23 Seleznev's case were notified not to discuss this client in the presence of Ms. Purcell or Scott
24 Vernick, Esq. (the originating or "billing" attorney) due to their involvement with the Z-Pizza
25 matter. All electronic documents in the firm's document management system have been secured
26 in compliance with the ethical screen. The ethical screen functions to police any Fox Rothschild
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1 attorney or paralegal billing time to a Z-Pizza matter, automatically erecting the screen upon
2 time-entry.

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4 6. Thereafter on August 13, 2014, the Government filed a Motion for Inquiry
5 Regarding Potential Conflict of Interest. (See Docket Item "D.I." No. 39).

6 7. As an officer of the Court, I can affirm herein that (i) I had no involvement in Fox
7 Rothschild's prior representation of Z-Pizza and had not yet (until 2013) joined Fox Rothschild
8 during Z-Pizza's tenure as a client; (ii) I have no information from Ms. Purcell regarding her
9 brief representation of Z-Pizza; (iii) I did not substantively discuss the matter with Ms. Purcell;
10 (iv) I have not reviewed Ms. Purcell's papers, notes or file regarding the matter; (v) I never met
11 any representative of Z-Pizza nor spoken with anyone during our firm's representation of this
12 matter; and (vi) I have obtained no information regarding Ms. Purcell's brief representation of Z-
13 Pizza, which occurred some three years ago. Further, I will not obtain any information from Ms.
14 Purcell or her file. Moreover, Ms. Purcell is resident in the firm's Philadelphia, Pennsylvania
15 office and I am resident in the firm's New York, New York office. Additionally, to the best of
16 my recollection I have not met or spoken with Mr. Purcell at all in 2013 or 2014 and I am
17 informed that she is presently on maternity leave.

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19 8. As further set out in her declaration, Ms. Purcell confirms that she and I have not
20 discussed any information learned through Ms. Purcell's brief representation of Z-Pizza.
21 Further, Ms. Purcell has not participated in any way in the defense of Mr. Seleznev and will
22 continue to not participate.

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24 9. Upon learning of the Government's position that Z-Pizza was an alleged victim, my
25 firm immediately created an ethical screen, the kind often used by the Government in federal
26 cases between Government attorneys. I represent that I have not and will not share any
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1 information with Ms. Purcell or view the Z-Pizza file. Moreover, I have not accessed the file nor
2 do I have knowledge of the facts or confidences exchanged between Ms. Purcell and her former
3 client.
4

5 10. Fox Rothschild LLP is a national firm with 19 offices and more than 550 attorneys.
6 The firm employs effective screening procedures to protect against the inadvertent acquisition of
7 confidential or privileged information.
8

9 11. I have taken the proper steps and screening measures to insulate myself from any
10 improper acquisition of privileged or confidential communications regarding Ms. Purcell's
11 representation of Z-Pizza. I have never nor will I view the file regarding the matter handled by
12 Ms. Purcell in 2011 and I have not nor will I have access to the file itself. I have never nor will I
13 discuss the matter with Ms. Purcell and I have never met nor discussed the matter with her
14 previous client. Ms. Purcell has had no involvement in the present case and will continue to be
15 adequately screened from it, as she works in a different office and, as such, she has had no
16 opportunity to inadvertently acquire information about the current matter pending before the
17 Court.
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20 12. At the earliest possible opportunity, I discussed the matter with my client, Mr.
21 Seleznev, and advised him of his opportunity to discuss the matter in turn with independent
22 counsel.
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24 13. As further addressed in Mr. Seleznev's Affidavit, after careful consultation regarding
25 this issue, Mr. Seleznev knowingly, intelligently and voluntarily waives any potential conflict of
26 interest regarding Z-Pizza and further seeks to have the undersigned continue to represent him
27 during pre-trial, trial and any post-trial proceedings in this case. Further, Mr. Seleznev and the
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undersigned invite the Court to appoint, if deemed necessary, an attorney to meet with Mr. Seleznev and independently discuss and advise him regarding such a waiver.

I declare under penalty for perjury that the foregoing is true and correct.

Executed on August 20, 2014 in New York, New York

FOX ROTHSCHILD LLP

By: s/ Robert W. Ray, Esq.
Robert W. Ray
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E-mail: rwrap@foxrothschild.com
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the Government and to all associated counsel of record.

s/Patricia Shillington
Patricia Shillington
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EXHIBIT A



Fox Rothschild LLP
ATTORNEYS AT LAW

CONFIDENTIAL

MEMORANDUM

TO: Ely Goldin, Jennifer Handforth, Robert Ray, Alexandra Scanlon, William Viss, Lauren Winchester

FROM: Thomas D. Paradise, General Counsel

DATE: August 5, 2014

RE: Ethical Screen – ROMAN SELEZNEV (136425)

You have been identified as having billed time or the potential to bill time for client ROMAN SELEZNEV (136425). There is a need for an ethical screen to prevent access to this client by SCOTT VERNICK AND AMY PURCELL.

Accordingly, all attorneys, paralegals and staff are being instructed not to discuss this client in the presence of the above-named individuals or to permit the above-named individuals to have access to any files pertaining to this client. Therefore, you must place a label on all such files which states the following: **“SCOTT VERNICK AND AMY PURCELL ARE NOT TO HAVE ACCESS TO THIS FILE AND NO DISCUSSION SHOULD BE HAD WITH OR AROUND THE ABOVE-NAMED INDIVIDUALS REGARDING THIS MATTER.”**

Electronic documents in the document management system will be automatically secured in compliance with this ethical screen. As such, it is necessary that all electronic documents for this client are saved under the appropriate ROMAN SELEZNEV (136425) client number. Additionally, all emails must be declared as documents by saving them under this ROMAN SELEZNEV (136425) client number.

Please note that any attorney or staff member who is determined to have violated this procedure shall be subject to harsh sanctions by the firm.

Your cooperation in this process is appreciated.

TDP/gd

cc: Mark L. Silow